



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

JPN
F.#2008R00474

*271 Cadman Plaza East
Brooklyn, New York 11201*

November 14, 2011

By ECF

The Honorable Dora L. Irizarry
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: United States v. Seth Lowenstein
Criminal Docket No. 10-583 (DLI)

Dear Judge Irizarry:

Pursuant to the Court's November 8, 2011 Order, the government submits this letter in response to the defendant's November 4, 2011 request for modification of bail. Specifically, the defendant requested modification of bail to travel to Minnesota for a court appearance and to New Jersey for Thanksgiving. As part of the defendant's bail, he is subject to electronic monitoring.

The government initially objected to the defendant's request for modification out of concern that the defendant's travel posed an increase risk of flight. The government subsequently learned, however, that Pretrial Services is able to activate a GPS program that will allow Pretrial Services to track the defendant's movements while traveling out of the district. When the government initially objected to the defendant's request, it was unaware of Pretrial Service's ability to activate such a program.

Under the circumstances, the government respectfully submits that the activation of the GPS program is a sufficient measure to reasonably assure the defendant's appearance at subsequent court proceedings. Therefore, the government consents

to the defendant's modification request on the condition that Pretrial Services will activate a GPS program to track the defendant's movements while traveling outside the district.

Respectfully submitted,

LORETTA E. LYNCH
United States Attorney

By: /s/
John P. Nowak
Assistant U.S. Attorney

cc: John Meringolo, Esq. (By ECF and E-mail)
Anna Lee, U.S. Pretrial Services (By E-mail and Hand)
Clerk of the Court (DLI)(By ECF)